

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF) APPEAL NO. 07-A-2285
GARY AND MARY LEE HUNTINGTON from)
the decision of the Board of Equalization of) FINAL DECISION
Twin Falls County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing January 15, 2008, in Twin Falls, Idaho before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant Mary Lee Huntington appeared. Assessor Gerald Bowden, Deputy Assessor John Billingsley and Appraiser John Knapple appeared for Respondent Twin Falls County. This appeal is taken from a decision of the Twin Falls County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. RPT3721002006AA.

The issue on appeal is the market value of a residential property.

The decision of the Twin Falls County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$30,297, and the improvements' valuation is \$53,550, totaling \$83,847. Appellants request the total assessed value be reduced to \$66,171.

The subject property is a one story, single-family residence containing a total of 959 square feet of living space, with a one car garage. It is situated on .173 acres in Twin Falls Niven Subdivision.

Appellant stated subject's assessed value had increased significantly since 2005. The assessment has increased from \$53,675 in 2005 to \$88,436 in 2007. Subject value was reduced at BOE to \$83,847.

The Taxpayers noted subject was incorrectly described by Respondent as having a 240 square foot concrete drive. It was explained the drive was two concrete strips leading to the property, not 240 square feet of concrete. The Assessor stated the concrete description was an error which would be corrected.

Appellants presented sales of properties located in close proximity to subject. No adjustments were made for differences between subject and the sales.

Comparable Sales Used by Appellant

	Sale Date	Sale Price	Square Feet	Lot Size	Sale Price per Square Foot
Subject		Assessed Value* *\$83,847	959	.173	\$87.43* *assessed value
Comparable Sale 1 205 Filer Ave.	12/29/06	\$92,700	2182	.020	\$42.48
Comparable Sale 2 287 Filer Ave.	03/13/07	\$132,000	1,971	.284	\$66.97
Comparable Sale 3 356 Filer Ave	01/19/06	\$164,900	3,133	.387	\$52.63
Comparable Sale 4 401 Filer Ave.	06/28/07	\$35,000	976	.092	\$35.86
Comparable Sale 5 308 Filer Ave.	unknown	\$94,760	1,144	unknown	\$82.83
Comparable Sale 6 329 Filer Ave.	unknown	\$132,000	1,997	unknown	\$66.10

Appellants then furnished and detailed information on the assessed land values for the above sales. This information was provided from a website. The assessed values ranged between \$20,451 and \$30,904 for lot sizes between .092

and .387 acres. Subject is .173 acres and was assessed at \$30,297.

The County explained the website Appellants used may be outdated and therefore they could not verify the assessed value information.

Respondent maintained land values in subject's subdivision were uniformly trended for 2007. It was stated \$30,000 was the assessed value for all parcels the same size as subject in the area.

The County noted Appellant's sales had significant differences when compared to subject, which would require adjustments to make them more comparable. Respondent further stated that although the sales were on the same street as subject, many were located in different subdivisions.

Prior to the BOE, the County did an exterior inspection of subject and noted roof and exterior maintenance problems. Therefore a negative 11% physical adjustment was applied.

It was explained by the County that the income approach was not used due to the lack of sufficient rental data in the subject neighborhood for single-family residences.

The Respondent stated a cost approach valuation was used to determine the value of subject. Adjustments were made for physical replacement costs. A value of \$83,847 was the estimated value for subject.

Respondent also considered a market approach. Four (4) 2006 sales were presented that were similar in proximity, size, and condition to subject. Adjustments were made for differences to make the properties more similar to subject. After

adjustments the sale prices ranged between \$89,000 and \$109,555. The indicated value for subject by the sales comparison approach was \$107,000. Subject was assessed for a total of \$83,847.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho applies the market value standard to assess property for the purposes of taxation. Idaho Code § 63-201(10) defines market value as:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

There are three primary methods of determining market value; the cost approach, income approach, and market data approach (comparison method). The market data approach arrives at value by examining open market sales of similar property. Merris v. Ada County, 100 Idaho 59, 63, 593 P.2d 394, 398 (1979).

The cost approach and the market value approach were utilized by Respondent in this case to assess subject. Respondent presented four 2006 sales and adjustments were made to make them more comparable to subject. The

adjusted sale prices ranged between \$89,793 and \$109,220.

“The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the evidence] that he is entitled to the relief claimed.” Board of County Comm’rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

In determining market value for tax assessments Idaho Code § 63-205(1) states:

All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day in the year in which such property taxes are levied, except as otherwise provided.

All but two of Appellant's sales were either beyond the January 1, 2007 lien date or no sales date was provided. In considering Appellant's remaining two sales, the square footage of the sale improvements are more than double the size of subject and therefore not comparable.

The Board finds Respondent's sales support the assessed value. Appellants have not demonstrated sufficient error in subject's assessment to overcome the burden of proof necessary to support the requested value reduction. Accordingly, the decision of the Twin Falls County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Twin Falls County Board of Equalization concerning the subject

parcel be, and the same hereby is, affirmed.

MAILED April 30, 2008